

D1
concl
bit rate[.];

wherein the first and second bit rates are variable.

8.
D2
concl
(Thrice Amended) [Video] A video signal encoding apparatus for encoding a received digital video signal for transmission, the apparatus comprising:

an encoder stage for encoding a received video signal according to a predetermined coding algorithm and producing the encoded video signal as a variable bit-rate data stream at an output of said encoder stage,

a buffer coupled to receive said variable bit-rate data stream from the encoder and arranged to output a data signal corresponding thereto for transmission; and

means coupled to said encoder stage to (i) detect the bit-rate of said variable bit-rate data stream, (ii) derive a second bit-rate as a percentage of the detected bit-rate, which percentage changes in inverse relation to changes in the detected bit-rate, and (iii) control said buffer to produce said output data signal at said second bit rate[.];

wherein the detected bit-rate and said second bit rate are variable.

In Claim 7, line 6, please change "with" to - - within - - .

REMARKS

Claims 1-9 are pending in the present application. Applicant would like to first thank Examiner Rao for the courtesies which he extended to Applicant's representative, Robert Westerlund, during the Personal Examiner Interview which was held on January 6, 1997. At the conclusion of the Interview, Examiner Rao agreed that Claims 1-9 would be allowable over the art of record if Claims 1 and 5 were amended to recite that the "first and second bit rates are variable". By this Amendment, Applicant has amended Claims 1 and 5 exactly as was agreed

upon during the Interview. Accordingly, Applicants respectfully request early allowance of the application.

The Office Action also alleges that the Information Disclosure Statement filed on 7/17/96 fails to comply with 37 C.F.R. § 1.98(a)(2). The Examiner indicates that the information referred to (apparently the *foreign* patents) therein has not been completely considered as to the merits. Applicant notes that the two foreign patents which were contained in the European Search Report were not published prior to the U.S. filing date of the present application, and are therefore not qualify as "prior art" with respect to the present application. Accordingly, Applicant respectfully requests that failure to provide copies of these foreign patents does not render the IDS filed on 7/17/96 non-compliant with the provisions of 37 C.F.R. § 1.98(s)(2).

By this Amendment, Applicant has made a sincere effort to place this case in final condition for allowance. However, if it is deemed that there remain any additional issues to be resolved, the Examiner is encouraged to call the Applicant's undersigned representative prior to taking any further formal action in this case.

Respectfully submitted,



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